

Appl. No. 10/628,892

Examiner: Tran, Chuc, Art Unit 2821

In response to the Office Action dated September 15, 2005

Date: December 14, 2005
Attorney Docket No. 10112541

of Desclos et al relied upon to teach said limitations. Namely, the office action relies on Fig. 3 to teach a base having a central through hole and a ground, Fig. 4 to teach a circular polarization antenna disposed on the base and having a hollow feeding portion corresponding to the central through hole, Fig. 7 to teach a capacitance loading monopole antenna disposed in the central through hole of the base, and Fig. 11 to teach a monopole linear antennae and a conductive element covering the monopole linear antenna, wherein the conductive element is separated from the ground of the base, and a dielectric disposed between the conductive element and monopole linear antenna.

However, with reference to columns 4-5 of Desclos et al, it is evident that Figs. 3-4 show a first embodiment of a multimode antenna in which a monopole antenna is placed in the axis of a printed patch antenna with a slot in its center, Fig. 7 shows a second embodiment of a multimode antenna in which a complete structure made to match with a specific dipole is used instead of the simple hole, while Fig. 11 shows a fourth embodiment of a multimode antenna in which a monopole antenna is placed in the axis of a helical antenna which composes wires wrapped around a transparent cylinder for generating a circular polarization.

In other words, the four figures referred to by the office action to teach the limitations of claim 1 in fact illustrate three ***mutually exclusive embodiments*** of a multimode antenna, each embodiment including 1) a linear antenna to achieve terrestrial communication and 2) a circular polarized antenna to achieve satellite communication. See the Abstract of Desclos et al. More specifically, in the embodiments shown in Figs. 3-4 and 7, the circular polarized antenna is the patch antenna, while in the embodiment shown in Fig. 11, the circular polarized antenna is the helical antenna.

Thus, in the rejections, the Examiner relies on the circular polarized "patch" antenna of the embodiment shown in Figs. 3-4 to teach the circular polarization antenna of claim 1, and the circular polarized "helical" antenna in combination with the linear monopole antenna of mutually exclusive embodiment shown in Fig. 11 to teach the capacitance loading monopole antenna comprising a monopole linear antenna and a conductive element covering the monopole linear antenna, wherein the conductive element is separated from the ground of the base.

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To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

However, it is not enough to pick and choose amongst the elements of different embodiments disclosed in a single prior art reference. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) [emphasis added] See also MPEP 2131.

As evidenced by the Examiner's reliance on the figures illustrating three mutually exclusive embodiments of Desclos et al' multimode antenna to teach the elements of claim 1, it evident that Desclos et al fails to disclose "each and every element of the claimed invention, *arranged as in the claim*."

Applicant therefore submits that the rejection of claim 1 is based on a mischaracterization of the teaching of Desclos et al. The same defect is found in the rejection of claim 28. Withdrawal of the rejection of claims 1 and 28 is respectfully requested.

Desclos et al fail to teach or suggest a complex antenna apparatus comprising both a circular polarization antenna and a capacitance loading monopole antenna, as recited in claims 1 and 27-28.

None of the three mutually exclusive embodiments shown in Figs. 3-4, 7 and 11 of Desclos et al disclose a complex antenna apparatus comprising a circular polarization antenna *and* a capacitance loading monopole antenna as recited in the claims of the present invention.

Namely, in the multimode antenna shown in Fig. 11, which the Examiner relies upon to teach the capacitance loading monopole antenna comprising a monopole linear antenna and a conductive element covering the monopole linear antenna, wherein the conductive element is

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separated from the ground of the base, there is no teaching of a second circular polarization antenna in addition to the helical antenna. Thus, the multimode antenna shown in Fig. 11 does not comprise an arrangement of a circular polarization antenna *and* a capacitance loading monopole antenna, as recited in the claims.

On the other hand, in the multimode antennas shown in Figs. 3-4 and 7, which include a circular polarized antenna and a linear monopole antenna, the linear monopole antenna is clearly not a capacitance loading monopole antenna. In particular, Applicant notes that the linear monopole antenna shown in Fig. 7 is not a **capacitance loading** monopole antenna, which, as described on page 7, lines 7-11 of the specification, includes a conductive element covering a dielectric and a monopole linear antenna. Thus, the multimode antenna shown in Figs. 3-4 or 7 does not comprise an arrangement of a circular polarization antenna *and* a capacitance loading monopole antenna, as recited in the claims.

Applicant further submits that there is no motivation to combine the embodiments shown in Figs. 3-4 or 7 with the embodiment shown in Fig. 11, as each embodiment is already provided with a linear antenna and a circular polarized antenna and thereby achieves the stated purpose of the Desclos et al disclosure of providing a linear antenna to achieve terrestrial communication and a circular polarized antenna to achieve satellite communication.

For at least the reasons described above, it is Applicant's belief that Desclos et al fail to teach or suggest all the limitations of claims 1 and 27-28. Applicant therefore respectfully requests that the rejection of claims 1 and 27-28 be withdrawn and the claim passed to issue. Insofar as claims 3, 5-11 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

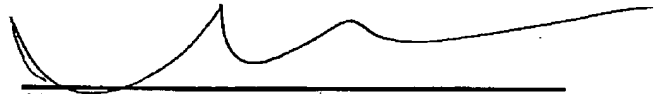
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Conclusion

For the reasons described above, the Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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